

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

A National Broadband Plan for Our Future

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GN Docket No. 09-51

Comments of American Association of School Administrators (AASA), Association of Educational Service Agencies (AESAs), Association of School Business Officials International (ASBO), International Society for Technology in Education (ISTE), National Education Association (NEA), National Association of Independent Schools (NAIS), National Rural Education Association (NREA), Organizations Concerned about Rural Education (OCRE), and Rural Schools and Community Trust

The American Association of School Administrators (AASA), Association of Educational Service Agencies (AESAs), Association of School Business Officials International (ASBO), International Society for Technology in Education (ISTE), National Education Association (NEA), National Association of Independent Schools (NAIS), National Rural Education Association (NREA), Organizations Concerned about Rural Education (OCRE), and Rural Schools and Community Trust (collectively “The Schools”) strongly support the Commission in its effort to develop a national broadband plan. They also urge the Commission to include the Educational Broadband Service (EBS) in the plan and to expedite resolution of the issues in the pending *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission’s Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands*, Docket 03-66, to which they are a party.

Development of a national broadband plan is an undertaking of urgent importance to education. Broadband access, which seemed like a luxury only a few years ago, has become a vital educational tool. Whereas students once needed pencils, papers, and textbooks, today they need computers and the Internet, not just in the classroom but at home as well. The Educational Broadband Service got its start in the 1960s as the Instructional Television Fixed Service (“ITFS”) because televised lectures seemed the best way of filling a perceived gap in the quality of education between the United States and other countries. Today, a different, more serious educational gap looms, both domestically and internationally, between those students who have broadband and those who don’t. This is a gap that education in the United States cannot accept.

Yet talk of a national broadband plan brings to mind the old adage about the weather. Everyone talks about it, but no one does anything about it. The Schools urge the Commission not just to talk about broadband and not just to release a plan, but also to do something about it, and quickly.

The Commission is holding a huge swath of spectrum, 120 MHz, which has been set aside for schools to use for wireless broadband. Yet, this spectrum lies fallow and unused in about half the nation. That is, although EBS spectrum is being used effectively for educational purposes in most major markets, significant blocks of spectrum remain unlicensed and unused in many areas of the country. Commission Docket 03-66 deals with how to award future licenses in this EBS white space. The proceeding grew out of the FCC’s decision in 1995 to freeze further licensing in the service until it developed new rules for the award of licenses. But only a year ago last summer, thirteen years after the freeze was imposed, did the Commission open the proceeding to comments on the question, and that proceeding is still pending. Because of the freeze and delay, wireless educational broadband development remains a desert tundra in some

areas, looking the same as it did in 1995 when the Internet was still in infancy, with over half the geographic area of the country, including much of rural America, unserved.

EBS should be a central but unique part of a national broadband plan. It is reserved for educational institutions and related entities and will play an increasingly important role in transforming the way educational services are delivered throughout the nation.

Of special significance is the fact that educational licensees, many of which may be public school systems, can lease their facilities to governmental or nonprofit enterprises. Thus, public or nonprofit lessees in unserved and underserved areas could use EBS as the basis for community and rural wireless broadband systems. For example, a rural school district might obtain a license and then enter into a partnership for the use of that spectrum by a municipal authority or local cooperative that would serve the entire community.

That EBS is capable of providing high-quality, wireless broadband is demonstrated by Clearwire Corporation's early deployments using 4G technology over EBS. In a June 22, 2009 interview by *WiMax News*, telecom industry analyst Jeff Kagan talked about his experience with Clearwire's system in Atlanta, Georgia: "The speed of the connection is robust, and the connecting is easy and stable..... The experience was like a wireline internet connection, but the connection is wireless.... I found connection speeds in the 5-9 Mbps range."

The potential of EBS is more than just the creation of isolated pockets of wireless broadband systems, though. The 4G technologies that commercial operators use are available to any licensee or lessee, meaning devices used with a municipal wireless broadband system in the mountains of Colorado can be compatible with national and international networks. In this way, EBS fits into national wireless broadband networks and becomes a significant part of a national broadband plan.

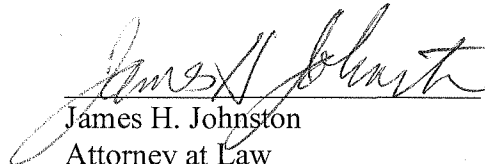
The Schools will not address here the positions and reasoning they have advanced in their comments in Docket 03-66 except with respect to an issue germane to both proceedings and that is the issue of auctions. In 1996, Congress passed the Balanced Budget Act, expressing a preference for competitive bidding procedures in the award of licenses where there are competing applicants. Without regard to the merits of auctions in 1996, when balanced budgets seemed on the horizon, or to their merits in other situations, auctions seem to tug in the opposite direction of a national broadband plan that is to give the United States a communications infrastructure for the Twenty-first century. That is, the Balanced Budget Act followed the notion that something like a tax would be imposed on the use of new spectrum and revenue from this tax would help balance the budget. Times have changed. A tax, through auctions, on the deployment of broadband infrastructure is counterproductive, especially when those proposing the deployment are educational or governmental entities.¹ This is one more reason not to apply the competitive bidding procedures of the Balanced Budget Act of 1996 to EBS.

In sum, therefore, EBS is national broadband that the Commission can do more than just talk about. By expeditiously resolving the issues in Docket 03-66, it can once again begin to issue licenses for the 120 MHz of educational broadband spectrum. Because EBS has the significant potential to provide the United States with national wireless broadband, the

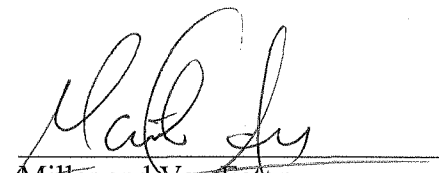
¹ One can imagine an even stranger result if stimulus funds were available. In such case, applicants would apply to the Treasury for a grant that would be used to pay the Treasury.

Commission should: 1) count EBS as a major national broadband asset; and 2) resolve the issues in the pending proceeding as rapidly as possible and in a way to make the most of this asset.

Respectfully submitted,



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